

FOR THE DISTRICT OF DELAWARE

Defendants.

)

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

AUTHORIZATION

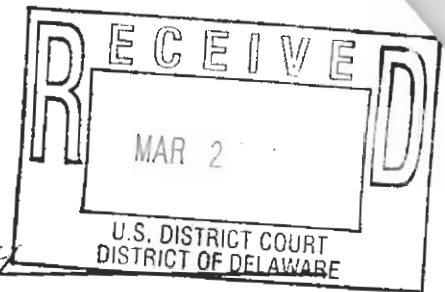
Court's order dated February 15, 2005.

to any other agency into whose custody I may be transferred.

Date: 1-22-05, 2005.

Louis D. Dickerson

~~copy~~
Court
FORM #584
GRIEVANCE FORM

FACILITY: SCTDATE: 9-10-04GRIEVANT'S NAME: Louis DickersonSBI#: 263655

CASE#: _____

TIME OF INCIDENT: 4:30 PM APTHOUSING UNIT: MSB-SCU-C-7

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I was ~~called~~ ^{called} for blood testing and I asked the nurse why y'all taking my damn blood too much I never used the "F" word drawn the whole incident. C/O Baker slap me in the face 3 times then he grab me around the neck then when I tried to look at his name he put more pressure around my neck I almost choke then C/O Adam tried to put a can of mace in my face

ACTION REQUESTED BY GRIEVANT: I ^{went there} ~~did not~~ ^{me} stay from before they hurt me I'm filin' grievance for legal reason I want to file charges

GRIEVANT'S SIGNATURE: Louis Dickerson DATE: 9-10-04

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

exhibit A



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LOUIS D. DICKERSON,)
)
Plaintiff,)
)
v.) Civil Action No. 04-1418-SLR
)
JOHN BAKER, and ALLEN ADAMS,)
)
Defendants.)

FILED
DISTRICT OF DELAWARE

FEB 15 3 44 PM '05

FILED

ORDER GRANTING MOTION FOR RECONSIDERATION

WHEREAS, the plaintiff, Louis D. Dickerson, SBI #263655 is a prisoner incarcerated at the Sussex Correctional Institution in Georgetown, Delaware, and on November 4, 2004, the plaintiff filed a complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on November 30, 2004, this Court granted the plaintiff leave to proceed in forma pauperis and ordered him to file a certified copy of his trust account summary for the six month period preceding the filing of the complaint within thirty (30) days from the date the order was sent, or the case would be dismissed (D.I. 4);

WHEREAS, on January 18, 2005, this Court dismissed the plaintiff's complaint because the required documents were not filed within the time provided (D.I. 5);

WHEREAS, on February 10, 2005, the Court received a certified copy of the plaintiff's trust account summary for the six month period preceding the filing of the complaint, attached to a copy of the Court's dismissal order dated January 18, 2005 (D.I. 6);

WHEREAS, the Court construes the filing of plaintiff's certified copy of his trust account summary, along with a copy of the Court's order dated January 18, 2005, as a motion for reconsideration;

THEREFORE, at Wilmington this 15th day of February, 2005, IT IS ORDERED that:

1. The plaintiff's request is GRANTED. The Clerk of the Court shall reopen this case. The plaintiff is reassessed the filing fee of \$150.

2. The Court has determined that the **plaintiff has no assets and no means to pay the initial partial filing fee, nevertheless, any money the plaintiff later receives will be collected in the manner described below.**

3. The plaintiff shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. **FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM WITHIN THIRTY DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION.**

4. The plaintiff shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's prison trust account and absent further order of the Court, the Warden or other appropriate official at the Sussex Correctional Institution, or at any prison at which the plaintiff is or may be incarcerated, shall forward payments from his account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the filing fee is paid. **NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny plaintiff leave to proceed in forma pauperis all future suits filed without prepayment of the filing fee, unless the Court determines that plaintiff is under imminent danger of serious physical injury.

DATED: 2/15/05


United States District Judge